

REMARKS

The amendment to claim 1 is supported by the text of Example 8, for example. Claims 24⁺ are supported at, for example, page 7, lines 16-27 and the examples.

The examiner is referred to the details of related application 10/472,844 which is being examined by a different examiner.

Discussion Of References In Accordance With 37 C.F.R. § 1.111 In Conjunction With The Accompanying Petition To Make Special

Enclosed herewith is the international search report in the corresponding international application. It cites 7 references, two of which are placed into category "X".

The passages cited in the search report, as well as the document as a whole of U.S. 5,370,614 relates to a coated balloon catheter but there is nothing in the document motivating the skilled worker to apply an active agent to have the features recited in the claims, e.g., the retention characteristics. (These are defined generally and, of course, by their very words do not limit the claims to devices utilizing stents.) If anything, '614 would appear to teach away in view of its disclosure of the option of utilizing control delivery. See, e.g., the first paragraph of column 3. WO00/44414 is similarly deficient as can be seen from the passages cited in the search report and even its abstract which emphasizes substantially constant release profiles of 3-30 days or more.

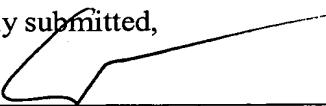
The coating techniques disclosed in Jenkins et al. (October 1, 1994 - September 30, 1995), Kornowski et al., Heldman et al., and Farb et al. involve only stents and would not motivate a skilled worker to modify coating balloons or balloon catheters with a reasonable expectation of success.

Bates US 6918927 and its provisional 60/244446, and Bates US 2004/0073284 and its provisional 60/395434, contain no disclosures motivating a skilled worker to arrive at the immediate release characteristics recited in the claims. In the latter two documents note pages 26 and 29, respectively, mentioning relatively high retentions. See also pages 27-30 and 30-33, respectively, for balloon catheter embodiments.

As can be seen, the claims are patentable over the cited references.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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